

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RUSSELL YEAGER,

Petitioner,

vs.

DWIGHT W. NEVEN, *et al.*,

Respondents.

2:13-cv-00928-GMN-VCF

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241, by a Nevada state prisoner. Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the information regarding petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted. The petition shall now be filed and served on respondents.

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall **FILE and ELECTRONICALLY SERVE** the petition (ECF No. 1-1) upon the respondents.

IT IS FURTHER ORDERED that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other response, respondents shall address all claims presented in the petition. Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed, respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-five (45) days** from the date of service of the answer to file a reply.

1 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
2 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
3 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
4 Division of the Clerk of Court.

5 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
6 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
7 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
8 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
9 General. The Court may disregard any paper that does not include a certificate of service. After
10 respondents appear in this action, petitioner shall make such service upon the particular Deputy
11 Attorney General assigned to the case.

12 Dated this 22nd day of August, 2013.

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16 Gloria M. Navarro
17 United States District Judge
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